

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA Liquidation

(Substantively Consolidated)

In re

BERNARD L. MADOFF,

Debtor.

Case No. 09-11893 (SMB)

IRVING H. PICARD, Trustee for the
Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC
and the Estate of Bernard L. Madoff, and ALAN
NISSELSO, Chapter 7 Trustee for the Estate of
Bernard L. Madoff,

Plaintiffs,

v.

HOBOKEN RADIOLOGY, LLC,

Defendant.

Adv. Pro. No. 10-05386 (SMB)

**STIPULATION AND ORDER APPROVING SELECTION OF MEDIATOR AND
EXTENDING AGREED PERIOD FOR MEDIATION**

WHEREAS, Irving H. Picard, Trustee for the substantively consolidated liquidation of Bernard L. Madoff Investment Securities LLC and Bernard L. Madoff (the “Trustee”) and the defendant (“Defendant,” and together with the Trustee, the “Parties”) in the above-referenced adversary proceeding (the “Action”) agreed to exchange limited discovery and mediate the issues

presented in the Action pursuant to a Stipulation and Order (the “Mediation Order”), “so ordered” by this Court on November 13, 2013 (Doc. No. 41); and

WHEREAS, the Mediation Order provides that the Parties shall choose a mediator who is on this Court’s Mediation Panel or is an otherwise appropriate person mutually agreed to by the Parties, which selection shall in either case be in accordance with this Court’s General Order M-390 and subject to this Court’s further approval; and

WHEREAS, the Parties have selected Hon. Francis G. Conrad (“Conrad”) as the mediator; and

WHEREAS, Conrad is on the Court’s Mediation Panel and served as a United States Bankruptcy Judge in various jurisdictions and as a member of the Bankruptcy Appellate Panel for the Second Circuit; and

WHEREAS, Conrad and the Parties have entered into a separate Mediator Engagement Agreement consistent with the Mediation Order and this Court’s General Order M-390; and

WHEREAS, consistent with the Mediation Order, the Parties shall each pay half of all reasonable fees, expenses and other amounts payable to Conrad; and

WHEREAS, the Mediation Order further provides that the “Agreed Period” for exchanging limited discovery and conducting the mediation shall be deemed to cover the 120-day period commencing on the November 13, 2013 “so ordered” date; and

WHEREAS, the Parties need additional time to exchange limited discovery and conduct the mediation, and wish to extend the Agreed Period to cover the 90-day period commencing on the “so ordered” date below.

NOW, THEREFORE, the Parties have stipulated and agreed to, and the Court has **ORDERED**, the following:

1. Other than as set forth below, the Parties hereby affirm the terms of the Mediation Order in all respects.

2. Conrad is approved to mediate this Action in accordance with the terms of the Mediation Order, the Mediator Engagement Agreement and this Court's General Order M-390.

3. The "Agreed Period", as set forth in subparagraph 1(b)(i) of the Mediation Order, is extended to cover the 90-day period commencing on the "so ordered" date below.

4. The pre-trial conference in the Action is adjourned from July 30, 2014 at 10:00 a.m. to October 29, 2014 at 10:00 a.m.

Dated: New York, New York
July 10, 2014

By: /s/ Howard L. Simon
Howard L. Simon (hsimon@windelsmarx.com)
Kim M. Longo (klongo@windelsmarx.com)
Windels Marx Lane & Mittendorf, LLP
156 West 56th Street
New York, New York 10019
Telephone: (212) 237-1000
Facsimile: (212) 262-1215

*Special Counsel for Irving H. Picard, Trustee for the
Substantively Consolidated SIPA Liquidation of Bernard L.
Madoff Investment Securities LLC and Bernard L. Madoff
and Alan Nisselson, Chapter 7 Trustee for the Estate of
Bernard L. Madoff*

Dated: Jericho, New York
July 10, 2014

By: /s/ Thomas M. Mealiffe
Thomas M. Mealiffe, Esq. (tmealiffe@nixonpeabody.com)
NIXON PEABODY LLP
50 Jericho Quadrangle, Suite 300
Jericho, New York 11753
Phone: (516) 832-7500
Facsimile: (516) 832-7555

Attorneys for Defendant

SO ORDERED ON July 11th, 2014:

/s/ STUART M. BERNSTEIN
HONORABLE STUART M. BERNSTEIN
UNITED STATES BANKRUPTCY JUDGE